

### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

## NOTICE OF ALLOWANCE AND FEE(S) DUE

001095

7590

01/27/2003

THOMAS HOXIE
NOVARTIS, PATENT AND TRADEMARK DEPARTMENT
ONE HEALTH PLAZA 430/2
EAST HANOVER, NJ 07936-1080

EXAMINER

CEPERLEY, MARY

ART UNIT

CLASS-SUBCLASS

1641

530-405000

DATE MAILED: 01/27/2003

APPLICATION NO.	FILING DATE	4	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757.212	01/09/2001		Richard Sedrani	100-8024C/C1C1	8681

TITLE OF INVENTION: RAPAMYCIN ASSAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	04/28/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED.</u> THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE

**Commissioner for Patents** Washington, D.C. 20231

(703)746-4000 <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where

appropriate. All further cor indicated unless corrected to maintenance fee notification	selow or directed otherw	he Patent, advance orders rise in Block 1, by (a) sp	s and notification of pecifying a new co	of maintenance fee rrespondence addre	es will be mailed to the current ess; and/or (b) indicating a sepa	correspondence address a trate "FEE ADDRESS" fo
CURRENT CORRESPONDENC	E ADDRESS (Note: Legibly mai 590 01/27/200	rk-up with any corrections or use 3	Block 1)	Fee(s) Transmitt accompanying pa	e of mailing can only be used fo tal. This certificate cannot la apers. Each additional paper, s nust have its own certificate of m	be used for any other uch as an assignment or
NOVARTIS, PATI ONE HEALTH PL EAST HANOVER	AZA 430/2	MARK DEPARTME	ENT	I hereby certify United States Pos envelope addresse	Certificate of Mailing or Trans that this Fee(s) Transmittal is tal Service with sufficient postay ed to the Box Issue Fee address USPTO, on the date indicated b	being deposited with the ge for first class mail in an above, or being facsimile
						(Depositor's name
						(Signature
						(Date
APPLICATION NO.	FILING DATE	FIR	ST NAMED INVENT	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,212	01/09/2001		Richard Sedrani		100-8024C/C1C1	8681
FITLE OF INVENTION: R	APAMYCIN ASSAY					
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLI	CATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	* \$1300		\$300	\$1600	04/28/2003
EXAMI	NER	ART UNIT	CLASS-SUBCL	ASS		
CEPERLEY		1641	530-40500			
Please check the appropriate  ta. The following fee(s) are  lessue Fee Publication Fee Advance Order - # of C	ence address (or Change of 22) attached. on (or "Fee Address" Indoor more recent) attached.  O RESIDENCE DATA TO a signer is identified by to the USPTO or is being the sassignee category or categories.	of Correspondence lication form Use of a Customer  O BE PRINTED ON THE below, no assignee data w g submitted under separat  (B) RI  egories (will not be printe  4b. Pa  A c  Pay	the names of up or agents OR, single firm (ha attorney or age registered paten is listed, no name PATENT (print or will appear on the pe cover. Completio ESIDENCE: (CITY and on the patent) yment of Fee(s): heck in the amount ment by credit care a Commissioner is a count Number of Agents of the patent of the p	atent. Inclusion of n of this form is NO and STATE OR Condition in individual of the fee(s) is enc. Form PTO-2038 hereby authorized b	assignee data is only appropriat  The assignee data is only appropriat  COUNTRY)  Corporation or other private grants  assigneed.	roup entity
NOTE; The Issue Fee and other than the applicant; interest as shown by the re This collection of information obtain or retain a benefit application. Confidentiality estimated to take 12 minu completed application for case. Any comments on suggestions for reducing the Patent and Trademark Off NOT SEND FEES OR Commissioner for Patents,	a registered attorney or cords of the United States attorn is required by 37 C by the public which is the public which will be public which is the public which which is the public which which will be public which is the public which will be public which is the public which will be publ	agent; or the assignee of s Patent and Trademark C CFR 1.311. The information of file (and by the USPT	or other party in office.  on is required to O to process) an			
NOT SEND FEES OR Commissioner for Patents,	ice, U.S. Department of COMPLETED FORM Washington, DC 20231.	Commerce, Washington, IS TO THIS ADDRES	D.C. 20231. DO SS. SEND TO:			

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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09/757,212	09/757,212 01/09/2001 Richard Sedrani		100-8024C/C1C1	8681	
001095	7590 01/27/2003		EXAMINER		
THOMAS HO	<del></del>	CEPERLEY, MARY			
,	NOVARTIS, PATENT AND TRADEMARK DEPARTMENT ONE HEALTH PLAZA 430/2 EAST HANOVER, NJ 07936-1080		ART UNIT	PAPER NUMBER	
EAST HANOVE			1641		
			DATE MAILED: 01/27/2003		

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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NOVARTIS, PA	ATENT AN	ND TRADEMA				
ONE HEALTH	ONE HEALTH PLAZA 430/2			ART UNIT	PAPER NUMBER	
EAST HANOV UNITED STAT		936-1080		1641		
ONTEDSTAT	LO			DATE MAILED: 01/27/2003		

## Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: http://www.uspto.gov/main/howtofees.htm.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)				
	09/757,212	RYFFEL ET AL.				
Notice of Allowability	Examiner	Art Unit				
	Mary (Molly) E. Ceperley	1641				
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apport of the communication GHTS. This application is subject to	plication. If not included n will be mailed in due course. THIS				
<ul> <li>2.  The allowed claim(s) is/are <u>15-18</u>.</li> <li>3.  The drawings filed on are accepted by the Examine</li> </ul>	The allowed claim(s) is/are 15-18.  The drawings filed on are accepted by the Examiner.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
1. Certified copies of the priority documents have	been received.					
2.  Certified copies of the priority documents have	been received in Application No					
3. Copies of the certified copies of the priority document of the prior	cuments have been received in this	national stage application from the				
* Certified copies not received:  5. Acknowledgment is made of a claim for domestic priority ur	ndor 35     S.C. & 110(a) (to a provini	(anal application)				
(a) The translation of the foreign language provisional a		onal application).				
6. Acknowledgment is made of a claim for domestic priority ur	•					
Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of to the solution of the sol	his application. THIS THREE-MOI itted. Note the attached EXAMINER on(s) why the oath or declaration is con's Patent Drawing Review ( PTO correction filed, which has be s Amendment / Comment or in the ( 84(c)) should be written on the drawin	NTH PERIOD IS NOT EXTENDABLE.  R'S AMENDMENT or NOTICE OF deficient.  -948) attached  een approved by the Examiner.  Office action of Paper No  ngs in the top margin (not the back)				
of each sheet. The drawings should be filed as a separate paper  9. DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT FOR THE	sit of BIOLOGICAL MATERIAL r	nust be submitted. Note the				
Attachment(s)	_					
<ul> <li>1 ☐ Notice of References Cited (PTO-892)</li> <li>3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>5 ☐ Information Disclosure Statements (PTO-1449), Paper No. 11</li> <li>7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	4☐ Interview Summa . 6☐ Examiner's Ame	al Patent Application (PTO-152) ary (PTO-413), Paper No  Indment/Comment  Bement of Reasons for Allowance  Mary (Molly) E. Ceperley  Primary Examiner  Art Unit: 1641				